



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PATRICK RUSSO, ) NO. CV 14-391 UA  
) (DUTYx)  
)  
Plaintiff, ) ORDER SUMMARYLILY REMANDING  
)  
v. )  
)  
MAYA JORDAN, ) IMPROPERLY-REMOVED ACTION  
AND DOES 1 TO 20, )  
)  
Defendants. )  
)  
)

The Court will remand this unlawful detainer action to state court summarily because Defendant MAYA JORDAN ("Defendant") removed it improperly.

On January 16, 2014, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To

1 prevent the action from remaining in jurisdictional limbo, the  
2 Court issues this Order to remand the action to state court.  
3

4 Under 28 U.S.C. § 1331, district courts "have original  
5 jurisdiction of all civil actions arising under the Constitution,  
6 laws, or treaties of the United States." Federal jurisdiction is  
7 presumed absent unless defendant, as the party seeking to invoke  
8 the court's jurisdiction, shows that plaintiff has either alleged  
9 a federal cause of action, American Well Works Co. v. Layne &  
10 Bowler Co., 241 U.S. 257, 260 (1916), a state cause of action that  
11 turns on a substantial dispositive issue of federal law, Franchise  
12 Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 9  
13 (1983), or a state cause of action that Congress has transformed  
14 into an inherently federal cause of action by completely preempting  
15 the field of its subject matter. Metropolitan Life Ins. Co. v.  
16 Taylor, 481 U.S. 58, 65 (1987). Under 28 U.S.C. § 1332(a),  
17 "district courts also have original jurisdiction of all civil  
18 actions where the matter in controversy exceeds the sum or value of  
19 \$75,000, exclusive of interest and costs, and is between . . .  
20 citizens of different states." See also Matheson v. Progressive  
21 Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003).

22  
23 Defendant's notice of removal only asserts that removal is  
24 proper based upon federal question jurisdiction, alleging that the  
25 state court action filed by plaintiff arises under the "Fair  
26 Housing Act governing Discrimination against both Defendant [sic]  
27

1 regarding rental of housing and other prohibited practices," (See  
2 Notice at 2), and further alleges that plaintiff's discriminatory  
3 conduct reveals that the "amount in controversy exceeds \$75,000."  
4 (Id.). However, the underlying unlawful detainer action does not  
5 raise any federal legal question. Nor does it appear that federal  
6 law is a necessary element of any of plaintiff's claims. See Wells  
7 Fargo Bank v. Lapeen, No. C 11-01932 LB, 2011 WL 2194117, \*3 (N.D.  
8 Cal. June 6, 2011) ("an unlawful detainer action, on its face, does  
9 not arise under federal law but is purely a creature of California  
10 law," citing Wescom Credit Union v. Dudley, No. CV 10-8203-GAF  
11 (SSx), 2010 WL4916578, \*2 (C.D. Cal. Nov. 22, 2010) (remanding an  
12 action to state court for lack of subject matter jurisdiction where  
13 plaintiff's complaint contained only an unlawful detainer claim).  
14 Moreover, "'the existence of a defense based upon federal law is  
15 insufficient to support federal-question jurisdiction.'" Hall v.  
16 North American Van Lines, Inc., 476 F.3d 683, 687 (9th Cir. 2007)  
17 (quoting Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th  
18 Cir. 2002)).

19  
20 Simply put, this action could not have been originally filed  
21 in federal court, because the complaint does not competently allege  
22 facts supplying either diversity or federal-question jurisdiction,  
23 and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon  
24 Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005).  
25 Moreover, defendant has not alleged complete diversity of  
26 citizenship between the parties and has not set forth any facts to  
27  
28

1 establish that the amount in controversy exceeds \$75,000. See 28  
2 U.S.C. § 1332(a).  
3

4 Defendant is further notified and warned that any subsequent  
5 attempts to remove the underlying state unlawful detainer action to  
6 this Court will be improper and will constitute vexatious conduct  
7 that the Court will address by way of punitive remedial measures,  
8 which may include having defendant designated as a vexatious  
9 litigant and barred from commencing any further removal actions  
10 with respect to the underlying state unlawful detainer action.  
11

12 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to  
13 the Superior Court of California, County Of Los Angeles, 1725 Main  
14 Street, Santa Monica, California 90401, for lack of subject matter  
15 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the  
16 Clerk send a certified copy of this Order to the state court; and  
17 (3) that the Clerk serve copies of this Order on the parties.  
18

19 IT IS SO ORDERED.  
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21 DATED: 1/31/14  
22

23  
24 GEORGE H. KING  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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